

EXPLANATORY STATEMENT

Tertiary Education Quality and Standards Agency (Information) Guidelines 2017 (Amendment) No. 1 of 2020

Issued by the authority of the Tertiary Education Quality and Standards Agency
(TEQSA)

Subject: *Tertiary Education Quality and Standards Agency
(Information) Guidelines 2017*

Authority

Section 204 of the *Tertiary Education Quality and Standards Agency Act 2011* (the Act) allows TEQSA to make, by legislative instrument, Information Guidelines.

Purpose and Description of the provisions

Item 1 replaces the Schedule in the current instrument with a new Schedule. The amendments made by this instrument are substantially the same save as to:

- 1.) Consolidate the tables;
- 2.) Update the names of Commonwealth, State and Territory authorities; and
- 3.) Add the Office of the Training Advocate (SA) to the Schedule.

Commencement

This instrument is a legislative instrument for the purposes of the *Legislation Act 2003* and will commence on the day after registration on the Federal Register of Legislation.

Consultation

TEQSA published draft Information Guidelines and an accompanying consultation paper published on TEQSA's website (<https://www.teqsa.gov.au/consultation>) earlier in 2020. TEQSA asked for submissions on the Draft Information Guidelines within a month of the date on which the paper was published. TEQSA also referred to the consultation paper in its monthly electronic newsletter distributed to higher education providers, peak bodies and other stakeholders. TEQSA received only one submission in response to the consultation, which welcomed the proposed addition of the Office of the Training Advocate (SA).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Tertiary Education Quality and Standards Agency

(Information) Guidelines 2017

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The purpose of the instrument is to set out the Commonwealth authorities and the State or Territory authorities to which the Tertiary Education Quality and Standards Agency (TEQSA) may disclose higher education information under section 189 and 194 of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act).

Human rights implications

The Instrument engages the right to education, contained in Article 13 of the International Covenant on Economic, Social, and Cultural Rights. In particular, this instrument has an effect on the provision of education services by higher education providers.

To the extent that the right to education is engaged, this right is promoted by the Legislative Instrument, by improving the capacity to share information between agencies, thereby reducing the need for multiple collections of information and allowing higher education providers to focus on the delivery of high quality education.

Conclusion

This Instrument is compatible with human rights because it advances the protection of human rights.

Professor Nicholas Saunders
Chief Commissioner

Professor Peter Coaldrake
Commissioner

Professor Joan Cooper
Commissioner

Professor Cliff Walsh
Commissioner